UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,081	09/04/2001	Hideki Ohtsuki	213559US2	1177

22850 7590 12/01/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
KOSTAK, VICTOR R	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,081	OHTSUKI, HIDEKI	
	Examiner	Art Unit	
	Victor R. Kostak	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-14 and 17-28* is/are pending in the application.

4a) Of the above claim(s) *11-13,24-26 and 28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4, 5, 7, 8, 14, 17, 18, 20, 21 and 27* is/are rejected.

7)☒ Claim(s) *6,9,10,19,22 and 23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Applicant's arguments filed on 10/17/05 have been fully considered in light of the amendment, but they are not persuasive. Rejections based on Kita and Kaji accordingly still apply and are adopted from the last Office action, presented as follows. Applicant's arguments are addressed in the context of the rejections.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 8, 14, 20, 21 and 27 are again rejected under 35 U.S.C. 102(b) as being anticipated by Kita.

Reviewing Kita, his work station 20 (noting Fig. 2) includes a controller 28 that stores instructions for carrying out by an internal computer prompted by a user at console 26. The processing involves converting image data supplied by network 10 for eventual display on unit 25, wherein a magnification stage 22 changes the size of input image from memory 21 in such a manner that the number of pixels in frame memory 23 correspond to the number of pixels in the display area 25 (noting Figs. 3 and 4: e.g. col. 2 lines 5-20), so governed by control unit 28 which decides if magnification should be applied (Fig. 4).

Applicant's newly-recited control unit which recognizes the types of preset output video signals and types of image data expanded in a frame memory and decides whether or not magnification should be performed based on the types of output signals and image data is met by the controller 28. The controller recognizes the types of present output signals because the user,

using console 26, applies data parameters to the controller that characterize the output display format to be accommodated by display unit 25 and 25'(noting the embodiments shown in Figs. 2 and 6). The controller also recognizes the types of input data by again having the user apply the input image parameters to controller 28 by console 26. The control unit accepts (or acknowledges, or recognizes, or identifies) the data and in response sends instructions to size processor 22 to carry out expansion, reduction, or neither. That process is shown in Fig. 4.

Applicant argues that Kita uses the same image data, but Kita does not use the same data in the sense that size alteration is required for some images and not others. Therefore, the system recognizes different input data (expanded in a frame memory23) and makes a decision on some to alter, and leaves others alone that do not need alteration. The image data types are distinguishable from each other on those bases. The fact that the input sources can be MRI or SPECT types is not relevant. The same goes for the output formats, which can differ. Claims 1, 14 and 27 accordingly remain rejected

The examiner applies the same reasoning with regard to claims 7 and 20. When the image size and pixel density (an thereby pixel total) of the frame memory 23 is the same as that of the display areas, magnification is not carried out (noting step 206 in Fig. 4). Therefore applicant's argument that Kita does not make a size change decision based on the types of image data is not accurate because the types of image data are categorized by those that need alteration, and those that do not.

Regarding claims 8 and 21, 21 corresponds to the claimed storage unit that stores pixels the same as the display area, and which pixel count can be altered by the magnification processor 22 for conversion and subsequent storage in frame memory 23.

Countering applicant's argument that Kita performs in real time he requires no memory section, it is a fact that he uses two memories prior to display. Furthermore, both memories 21 and 23 can in some situations store data where the images have the same number of pixels as the display. Those images do not undergo size conversion.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita.

It would have been obvious to one of ordinary skill in the art to apply any type of image to the size convertor (Kita applies medical images obtained by plural imagers, namely MRI and SPECT sources his system but states these as examples: col. 3 lines 13-19) for the purpose of accommodating the user with the availability to modify and observe images of any type, thereby covering as extensive a database as practical (Kita further allows for network communication: col. 3 lines 17-19). It would also have been obvious to give the user to the final decision of magnifying or not magnifying the imagery regardless of the source as so preferred by each individual user by way of the console, thereby not restricting the user to specific display choices.

Applicant argues that Kita applies images obtained from MRI and SPECT scans, but, and as pointed out in the last Office action and repeated therefrom above, these are only examples. Natural imaging of the human body can be obtained using standard cameras.

Furthermore, the types of image data are distinguished by which need size alteration and which do not, as explained previously, which is the basis of operation of the control unit 28.

4. Claims 4 and 17 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Kaji et al. These claims have not been addressed individually on their own merits. The claims accordingly stand rejected as previously applied, with the amended base claims already addressed above.

One of ordinary skill in the art recognizes that typical graphic displays are characterized by pixel dimensions of 640 x 480 horizontal to vertical. It would have been obvious to one of ordinary skill in the art to have the CRT compatible with well known PAL or NTSC television standards for the purpose of enabling display on typically available televisions, as taught by Kaji in his image magnification conversion system (e.g. section [130] of Kaji). Since the imagery of Kita can be from any typical sources and obtained from network databases (thereby allowing a more comprehensive amount of imagery), it would therefore have been obvious to apply the magnification of standard graphical imagery obtained from anywhere in a network database to comply with the CRT format, such as the well known PAL or NTSC modes, and thereby apply the appropriate conversion factors (which Kita designates by variables: e.g. Figs. 3 and 4).

Therefore, regarding claims 4 and 17, the appropriate magnification factors would be applied when PAL or NTSC or any other mode is desired for eventual display, wherein certain lines would by necessity by deleted (or interspaced if the image is to be enlarged) in a manner that generates an adequate viewable reproduction.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Claims 6, 9, 10, 19, 22 and 23 remain allowable over the prior art.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.

Victor R. Kostak
Primary Examiner
Art Unit 2614

VRK